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7
8 **BEFORE THE FAIR POLITICAL PRACTICES COMMISSION**
9 **STATE OF CALIFORNIA**

10
11 In the Matter of:

12 CLAY AURELL,

13 Respondent.

FPPC No. 11/650

STIPULATION, DECISION AND ORDER

14
15 **STIPULATION**

16 Complainant, the Fair Political Practices Commission, and Respondent, Clay Aurell, agree that
17 this Stipulation will be submitted for consideration by the Fair Political Practices Commission at its next
18 regularly scheduled meeting.

19 The parties agree to enter into this Stipulation to resolve all factual and legal issues raised in this
20 matter and to reach a final disposition without the necessity of holding an additional administrative
21 hearing to determine the liability of Respondent.

22 Provided that the Commission accepts this Stipulation as the final disposition of this matter,
23 Respondent hereby knowingly and voluntarily waives any and all procedural rights set forth in
24 Government Code sections 83115.5, 11503 and 11523, and in California Code of Regulations, title 2,
25 sections 18361.1 through 18361.9. This includes, but is not limited to the right to appear personally at
26 any administrative hearing held in this matter, to be represented by an attorney at Respondent's own
27 expense, to confront and cross-examine all witnesses testifying at the hearing, to subpoena witnesses to

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1 testify at the hearing, to have an impartial administrative law judge preside over the hearing as a hearing
2 officer, and to have the matter judicially reviewed.

3 As described in Exhibit 1, it is further stipulated and agreed that Respondent attempted to use his
4 official position to influence a governmental decision in which he knew that he had a financial interest, in
5 violation of Government Code section 87100.

6 Exhibit 1, which is attached hereto and incorporated by reference as though fully set forth herein,
7 is a true and accurate summary of the facts in this matter.

8 Respondent agrees to the issuance of the Decision and Order, which is attached hereto, and
9 Respondent agrees to the Commission imposing upon him an administrative penalty in the amount of
10 \$3,500. One or more cashier's checks or money orders totaling said amount—to be paid to the General
11 Fund of the State of California—is/are submitted with this Stipulation as full payment of the
12 administrative penalty described above, and same shall be held by the State of California until the
13 Commission issues its Decision and Order regarding this matter. The parties agree that in the event the
14 Commission refuses to accept this Stipulation, it shall become null and void, and within fifteen (15)
15 business days after the Commission meeting at which the Stipulation is rejected, all payments tendered
16 by Respondent in connection with this Stipulation shall be reimbursed. Respondent further stipulates and
17 agrees that in the event the Commission rejects the Stipulation and a full evidentiary hearing before the
18 Commission becomes necessary, neither any member of the Commission, nor the Executive Director,
19 shall be disqualified because of prior consideration of this Stipulation.

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21 Dated: _____

Gary S. Winuk, Chief of Enforcement
Fair Political Practices Commission

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24 Dated: _____

Clay Aurell, Respondent

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1 **DECISION AND ORDER**

2 The foregoing Stipulation of the parties "In the Matter of Clay Aurell," FPPC No. 11/650,
3 including all attached exhibits, is hereby accepted as the final decision and order of the Fair Political
4 Practices Commission, effective upon execution below by the Chairman.

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6 IT IS SO ORDERED.

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8 Dated: _____

9 Ann Ravel, Chair
Fair Political Practices Commission